

REMARKS

This Amendment is in response to the Office Action mailed October 7, 2003. Claim 24 has been amended and new claims 29-36 have been added. Claims 1-36 are presently pending in this application. Reconsideration and reexamination of this application, as amended, are requested.

I. Interview Summary

On February 6, 2004, a phone interview was conducted between the undersigned and Examiner Hewitt. The purpose of the interview was to discuss the Examiner's interpretation of U.S. Patent No. 2,227,551 to J. L. Morris. In the interview, it was agreed that the fasteners (30, 31) of the strap clamp 15 disclosed in the '551 patent do not extend across a gap defined by intermeshing ends of the strap. The opposing ends of the strap between which the fasteners (30, 31) extend do not have any projections. Rather than being provided on the clamp 15 itself, the intermeshing teeth disclosed in the '551 patent are provided on an underlying gasket 32 and sleeve 33, and are offset from the gap where the fasteners (30, 31) are located.

II. Claim Objections

Claims 24-26 and 28 were objected to because at line 3 of claim 24 the second instance of "second" should have been replaced with "third". This correction has now been made. Therefore, withdrawal of the objection is respectfully requested.

III. Claim Rejections Under 35 U.S.C. Section 102

Claims 1-3, 6, 10, 12 and 23 were rejected under 35 U.S.C. Section 102(b) as being anticipated by U.S. Patent No. 2,227,551 to Morris. These rejections are respectfully traversed.

Claim 1 of the present application relates to a pipe clamp having a strap including first and second opposing ends separated by a gap. A fastener extends across the gap. The first opposing end includes at least one projection, and the second opposing end defines at least one recess for receiving the projection. As discussed in the interview of February 6, 2004, such structure is not present in the clamp disclosed in the '551 patent. Specifically, the intermeshing teeth of Morris are not provided at a gap between opposing ends of a strap over which a fastener

(e.g., fasteners 30, 31) extends. The teeth are instead provided on an underlying resilient gasket 32 and an underlying sleeve 33. Therefore, it is submitted that claim 1, as well as claims 2, 3, 6 and 23 which depend from claim 1, are not anticipated by the '551 patent.

Claim 10 relates to a pipe clamp including a strap having first and second opposing ends separated by a gap. A fastener extends across the gap. First and second ends include portions configured to extend circumferentially past one another when the clamp is tightened while remaining substantially within a cylindrical boundary defined by a wall thickness of the strap. It is submitted that no such structure is disclosed in the '551 patent. In the "551 patent, the ends of the strap 15 over which the fasteners (30, 31) extend never circumferentially overlap one another. The only overlapping occurs at the teeth provided at the gasket 32 and the sleeve 33. Therefore, it is submitted that claim 10, as well as dependent claims 11-15, are not anticipated by the '551 patent.

IV. Claim Rejections Under 35 U.S.C. Section 103

A. Claims 4, 7-9 and 13-15

Claims 4, 7-9 and 13-15 were rejected under 35 U.S.C. Section 103(a) as being unpatentable over U.S. Patent No. 2,227,551 to Morris. These rejections are respectfully traversed.

First, it is noted that claims 4 and 7-9 depend from claim 1 and claims 13-15 depend from claim 10. Nowhere does the '551 patent teach or suggest a clamp having opposing ends that both: 1) define a gap over which a fastener extends; and 2) include at least one projection and at least one recess for receiving the projection, as recited by claim 1. Therefore, it is submitted that claim 1 as well as dependent claims 4 and 7-9 are not rendered obvious by the '551 patent. Also, the '551 patent does not teach or suggest a clamp having opposing ends that: 1) define a gap across which a fastener extends; and 2) include portions configured to extend circumferentially past one another when the clamp is tightened, as recited by claim 10. Therefore, it is submitted that neither claim 10 nor dependent claims 13-15 are rendered obvious by the '551 patent.

In addition to the reasons specified above, it is submitted that claims 4, 7-9 and 13-15 relate to patentable subject matter on their own merit. For example, with respect to claim 4,

while it is acknowledged that prior art clamps exist having increased diameter portions and reduced diameter portions separated from one another by a step, there is no teaching or suggestion in the '551 patent that such a configuration would be suitable for the gasket style clamp disclosed therein. Also, there is no teaching or suggestion in the '551 patent that the size limitation specified at claims 8, 9, 14 and 15 would be suitable or even operable with the gasket style sealing clamp disclosed therein.

For at least the above reasons, withdrawal of the rejections to claims 4, 7-9 and 13-15 under 35 U.S.C. Section 103(a) is respectfully requested.

B. Claims 5, 11, 16-22 and 24-28

Claims 5, 11, 16-22 and 24-28 were rejected under 35 U.S.C. Section 103(a) as being unpatentable over U.S. Patent No. 2,227,551 to Morris in view of U.S. Patent No. 4,558,891 to Wagner et al. These rejections are respectfully traversed.

Claim 5 depends from claim 1. As indicated in the previous section, the '551 patent fails to teach or suggest a clamp including opposing ends that both: 1) define a gap over which a fastener extends; and 2) include at least one projection and at least one recess for receiving the projection, as recited by claim 1. This deficiency is not remedied by the '891 patent, which fails to disclose projections of any type. Therefore, it is submitted that claim 5 is not rendered obvious by the '551 patent in view of the '891 patent.

Claim 11 depends upon and further limits claim 10. As indicated in the previous section, the '551 patent fails to teach or suggest a clamp having opposing ends that: 1) define a gap across which a fastener extends; and 2) include portions configured to extend circumferentially past one another when the clamp is tightened, as recited by claim 10. This deficiency is not remedied by the '891 patent, which fails to disclose any structures that extend circumferentially past one another. Therefore, even if the '551 patent and the '891 patent were combined as indicated by the Examiner, at least the above identified subject matter would still be absent from the combination. Therefore, it is submitted that claim 11 is not rendered obvious by the '551 patent in view of the '891 patent.

With respect to claim 16, it is submitted that neither the '551 patent nor the '891 patent, either alone or in reasonable combination, teaches or suggests the novel and non-obvious invention specified therein. For example, neither of the references cited by the Examiner teaches or suggests a clamp having first and second opposing ends that intermesh when the clamp is tightened, and a bolt that extends across the gap between the opposing ends for tightening or loosening of the clamp. As described previously in this response, the clamp disclosed in the '551 patent does not include a strap having ends that intermesh at a location across which a fastener such as a bolt extends. In contrast, the intermeshing teeth 36, 37 are provided at the ends of an underlying gasket 32 and at the ends of an underlying sleeve 33. The teeth and recesses 36 and 37 are provided at locations offset from the location of the fasteners 30, 31. This deficiency is not remedied by the '891 patent, which does not include any intermeshing structure at all. Therefore, even if the references were combined as suggested by the Examiner, the resulting combination would not include all of the limitations of claim 16. In view of the above, it is submitted that claim 16 is not rendered obvious by the '551 patent in view of the '891 patent.

In addition to the above reasons, it is submitted that there is no motivation to combine the '551 patent and the '891 patent. As described in Applicants' response of June 27, 2003, gasket style clamps of the type disclosed in the '551 patent are different from clamps of the type disclosed in the '891 patent. The clamp disclosed in the '551 patent is adapted to provide a seal through the use of an intermediate gasket. In contrast, the '891 patent is specifically designed to provide a sealing action through direct metal-to-metal contact. In the Office Action of October 7, 2003, the Examiner specifies that it would have been obvious to "modify Morris's fastening assembly in order to improve the effectiveness of the clamp and joint (see Wagner: column 4, line 57-column 5, line 7)." This contention is respectfully traversed. Nowhere does the '891 patent provide any indication or suggestion that the bent bolt type clamping configuration disclosed therein would be suitable for or even operable with gasket style clamps of the type disclosed in the '551 patent. Therefore, it appears that the Examiner's rationale for combining the references is based on impermissible hindsight reconstruction after having had the benefit of reading Applicants' disclosure.

In view of the above, withdrawal of the rejections to claims 5, 11, 16-22 and 24-28 under 35 U.S.C. Section 103(a) is respectfully requested.

V. New Claims 29-36

New claims 29 and 30 depend from claim 1 and new claim 31 depends from claim 10. Therefore, for at least the same reasons specified with respect to claims 1 and/or 10, it is submitted that dependent claims 29-31 are in immediate condition for allowance.

New claim 32 relates to a clamp including among other things, a metal strap having first and second opposing ends separated by a gap, a single bolt that extends across the gap, and intermeshing projections and recesses provided at the ends of the strap. It is submitted that no such structure is taught or suggested by the prior art of record in the present application. Therefore, allowance of claim 32, as well as claims 33-36 which depend from claim 32, is respectfully requested.

VI. Conclusion

In view of the amendments and remarks, it is submitted that the present application is in immediate condition for allowance, and notification to that effect is respectfully requested. Please direct any inquiries concerning this application to the undersigned attorney at 612.336.4617.

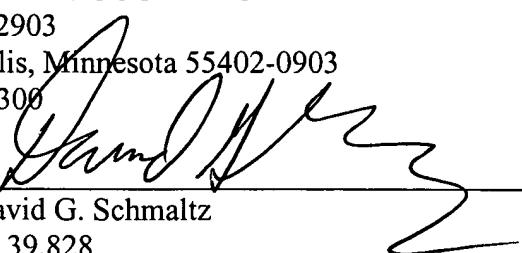
Respectfully submitted,

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